

**WASHINGTON COUNTY COMMISSION**  
**MEETING MINUTES**  
**JULY 3, 2012**

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Alan D. Gardner at 4:00 p.m. on July 3, 2012, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Chairman Alan D. Gardner, Commissioner James J. Eardley, Commissioner Dennis Drake, Washington County Administrator Dean J. Cox, Deputy County Attorney Eric Clarke, and Deputy County Clerk Christine Hall.

Chairman Gardner led the Pledge of Allegiance.

**AGENDA**

**CONSENT AGENDA:**

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor-Approved Claims for Payment for June 19, 2012, through July 3, 2012
- Consideration of Regular Commission Meeting Minutes of June 5, 2012
- Consideration of Administrative Adjustments: Real Property (attached)
- Consideration of Administrative Adjustments: Personal Property (attached)
- Consideration of Applications for Property Tax Abatement (3)  
Tamera Carlow, S/N SG-6-2-14-4301; Renee Kimball, S/N H-SCAN-2-A-17; and Betty Tuetken, S/N SG-TUNH-2-211
- Acknowledgment of Publishing of Ordinances Nos. 2012-1020-O and 2012-1021-O, on June 23, 2012

**Actions of the Washington County Planning Commission Meeting / None**

**REGULAR AGENDA ITEMS FOR CONSIDERATION:**

**CONSIDERATION OF PURCHASE REQUEST(S): MARK BLANCH**

Emergency Services, Reimburse Kane County for Communications  
Project ..... \$41,254.25

*All purchases are budgeted, bonded, or paid for through grant funds.*

**MOTION: Motion by Commissioner Eardley to Approve the Purchase Requests, as presented. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2012-1648, A RESOLUTION COMMENDING THE PUBLIC SERVICE OF JEFF DIAL TO WASHINGTON COUNTY**

**MOTION: Motion by Commissioner Eardley to Table Resolution No. R-2012-1648, a Resolution Commending the Public Service of Jeff Dial To Washington County. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2012-1649, A RESOLUTION APPROVING THE PAYMENT OF YEARLY MEMBERSHIP FEES TO THE AMERICAN LANDS COUNCIL**

Chairman Gardner said the American Lands Council is a new group that has the goal of educating the public as to some of the issues pertinent to the acquisition of federal lands by the states. It began with State Bill H-148 last year, where the State of Utah is attempting to regain control of the public lands. The public is encouraged to visit the group's website: [Americanlandscouncil.com](http://Americanlandscouncil.com) to become familiar with its efforts. Commissioner Drake said he thinks it is important for counties to participate in actively seeking ownership of the public lands in Utah.

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1649, a Resolution Approving the Payment of Yearly Membership Fees to the American Lands Council. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2012-1650, A RESOLUTION APPROVING THE EXECUTION OF AN INTERLOCAL AGREEMENT GOVERNING THE USE OF THE WASHINGTON COUNTY JUSTICE COURT BY IVINS CITY**

**MOTION: Motion by Commissioner Eardley to Table Resolution No. R-2012-1650, a Resolution Approving the Execution of an Interlocal Agreement Governing the Use of the Washington County Justice Court by Ivins City. Motion seconded by Commissioner Drake and**

carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2012-1651, A RESOLUTION APPROVING THE EXECUTION OF AN INTERLOCAL AGREEMENT GOVERNING THE USE OF THE WASHINGTON COUNTY JUSTICE COURT BY ROCKVILLE TOWN, SPRINGDALE TOWN, AND VIRGIN TOWN**

Administrator Dean Cox said that he had been approached by the above-mentioned communities to contract with the County for the use of our Justice Court. This agreement has been modeled after other agreements the County has used in the past with other entities.

**MOTION:** Motion by Commissioner Eardley to Adopt Resolution No. R-2012-1651, a Resolution Approving the Execution of an Interlocal Agreement Governing the Use of the Washington County Justice Court by Rockville Town, Springdale Town, and Virgin Town. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2012-1652, A RESOLUTION ADVISING EXTREME PRECAUTION TO PREVENT WILDLAND FIRES IN WASHINGTON COUNTY**

Commissioner Drake read aloud the Resolution in its entirety to emphasize the importance of fire safety in this volatile season.

Additionally, Deputy Washington County Attorney Eric Clarke reiterated the serious civil liability issue involved. The State Fire Marshal or his representative compiles a Fire Report and sends it to the County Attorney's Office. This report describes the costs that different agencies – State, local, federal, county – paid for fire suppression. Under State law, if a person starts a fire, that person is civilly liable for all costs in connection with the fire. In order for the County to participate in the State Wildland Fire Fund, the Attorney's Office must try to recover the costs of suppression and repair from those individuals who are responsible for starting fires.

**MOTION:** Motion by Commissioner Drake to Adopt Resolution No. R-2012-1652, a Resolution Advising Extreme Precaution to Prevent Wildland Fires in Washington County. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2012-1653, A RESOLUTION TO ADOPT AND APPROVE THE WASHINGTON COUNTY – NRCS ENTERPRISE EWP, LITTLE PINE, SPRING, AND COTTONWOOD CREEKS AGREEMENT TO RELIEVE HAZARDS AND DAMAGES CREATED BY THE FLOOD IN OR NEAR ENTERPRISE, UTAH**

Washington County Public Works Director Ron Whitehead requested that the Commission ratify awarding this contract to the low bidder, Progressive Contracting, Inc., of St. George to do some work in three locations in the Enterprise area. This is the beginning of repairs for flood damage that occurred in 2010.

**MOTION:** Motion by Commissioner Eardley to Adopt Resolution No. R-2012-1653, A Resolution to Adopt and Approve the Washington County – NRCS Enterprise EWP, Little Pine, Spring, and Cottonwood Creeks Agreement to Relieve Hazards and Damages Created by the Flood in or near Enterprise, Utah. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2012-1654, A RESOLUTION APPOINTING A WASHINGTON COUNTY LIBRARY SYSTEM DIRECTOR**

Commissioner Eardley said that this would be an assignment change for Ms. Bonnie Mellor, who has been acting as Interim Director since the first of May.

**MOTION:** Motion by Commissioner Eardley to Adopt Resolution No. R-2012-1654, a Resolution Appointing Bonnie Mellor as the Washington County Library System Director. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

**CONSIDERATION OF APPROVAL OF FINAL PLAT FOR BUNDY SUBDIVISION PHASE 2 IN DIAMOND VALLEY/REQUEST FOR VARIANCE FOR CURB, GUTTER AND SIDEWALK**

Mr. Whitehead said that this is a piece of un-subdivided land that sits in between two (2) subdivisions in the Diamond Valley area. Allowing this subdivision will fill in the gap between the two (2) other subdivisions. All of the roads in that area are asphalt, with borrow ditches and culverts; there is no curb, gutter, or sidewalk there at this time. This is basically infill on an existing road. The road is in place; utilities such as water hook-ups will be added to service the lots, but water lines are already there. Chairman Gardner asked about putting some gravel on a dirt road going towards Cottonwood because of the

dust, and Mr. Whitehead said that road is being relocated so that it doesn't cross over two of the lots.

Todd Edwards added that the construction drawings which show road base on that road were approved through the Planning Commission. Commissioner Drake suggested having culverts across the driveways of those four (4) lots. Mr. Edwards said that current building permit requirements provide for at least an eighteen-inch (18") culvert for a driveway before occupancy is granted. Commissioner Eardley reiterated that this is a request to exempt this subdivision from the current County standard. The road isn't fully improved as far as curb and gutter, and if at some point people want to pursue a Special Improvement District up there, it would be useful for the applicant to sign a non-opposition to the SID. Mr. Whitehead agreed that it would be wise to have such a non-opposition document in place.

Mr. Edwards said that the applicant has included on the plat a requirement for a drainage study for each lot.

**MOTION: Motion by Commissioner Drake to Approve the Final Plat for Bundy Subdivision Phase 2 in Diamond Valley, Granting the Request for Variance for Curb, Gutter and Sidewalk, with the Agreement that the Applicant will Sign a Non-Opposition Statement to any future Special Improvement District that May be Created in the Future. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**

#### **COMMISSIONERS' REPORT**

No items were presented today.

#### **PUBLIC WORKS OR ROAD BUSINESS**

Public Works Director Ron Whitehead advised that the Road Department is beginning the Natural Resources Conservation Service (NRCS) project in the Enterprise area. The work is expected to be completed around the first week of August. Work will be done in the Spring Creek and Pine Creek areas. The chip seal is down along Highway 91, and that road will be striped as soon as possible.

#### **COUNTY DEVELOPMENT AND PLANNING BUSINESS: CONSIDERATION OF REVISION TO WASHINGTON COUNTY POLICY AND PROCEDURES MANUAL, SECTION P: VEHICLE POLICY**

Administrator Dean Cox explained that this is a minor revision to the existing vehicle policy which changes the defensive driving class requirement from once every four (4)

years to once every three (3) years for all County employees (and their spouses) who may drive a County vehicle, or their own personal vehicle, on County business.

**MOTION: Motion by Commissioner Eardley to Approve Revision To Washington County Policy And Procedures Manual, Section P: Vehicle Policy. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**

**Request a Closed Session**

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:55 p.m.

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CHRISTINE S. HALL  
DEPUTY CLERK

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ALAN D. GARDNER  
CHAIRMAN